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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,153	09/30/2003	Paul Daniel Kangas	RPS920030180US1	8169
45219	7590	12/30/2005	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			ELAMIN, ABDELMONIEM I	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/677,153	KANGAS, PAUL DANIEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	A Elamin	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/30/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradski et al, US 2004/0175020 A1.
3. Claims 1, 11, 19, 29-30, Bradski teaches an apparatus for autonomic power adjustment in an electronic device [*title*], comprising:

a collector configured to collect indicia of a user's body position in relation to an electronic device for a user who maintains close proximity to the electronic device [*image capturing device 315 of fig. 2A*];

a determination module configured to determine a power state for the electronic device based on the indicia [*steps 515 and 520 of Fig. 5*]; and

a power control module configured to selectively adjust power supplied to subsystems of the electronic device to transition to the determined power state [*power management logic 265 of Fig. 2B* ].

4. Claims 2, 12, 20, Bradski teaches the indicia are representative of one of a plurality of anatomical states associated with different user body positions [*Fig. 3, para 0029*].

5. Claims 3, 13, 21, Bradski teaches the power state is representative of one of a plurality of hierarchical power states [*para 0025, lines 9-16*].

6. Claims 4-5, 14, 22-23, Bradski teaches the determination module is further configured to select a lowest power state in response to the indicia [*para 0025, lines 9-16*].

7. Claims 6, 15-16, 24, Bradski teaches the determination module is further configured to measure a time interval that a user maintains a body position and select the power state such that the time interval exceeds a latency period associated with the selected power state [*Steps 615, 620 and 625 of Fig. 6, para 0046*].

8. Claims 7, 17, 25, Bradski teaches the user's body position comprises focusing an eye on a display coupled to the electronic device to study the display [*Fig 4D, para 0038*].

9. Claims 8, 18, 26, Bradski teaches the collector is further configured to capture a series of images of the user in proximity to the electronic device, identify control points in the images, and determine indicia of a user's body position based on the control points [*see face tracking, para 0033-0038*].

10. Claims 9, 27, Bradski teaches the collector is further configured to poll a plurality of sensors configured to detect characteristics of the user's body position [*image capturing device 315 of fig. 2A*].

11. Claims 10, 28, Bradski teaches the collector is further configured to receive signals from sensors that continuously monitor characteristics of a user's body position [*para 0023, see also Fig. 3*].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A Elam  
Primary Examiner  
Art Unit 2116

December 21, 2005